



Food and  
Nutrition  
Service

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SUBJECT: Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #4<sup>1</sup>

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

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| <b>Issuing Agency/Office:</b> | FNS/Child Nutrition Programs  |
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| <b>Replaces:</b>              | N/A   |
| <b>Summary:</b>               | (1)This memorandum provides clarification on questions related to the operation of the Child Nutrition Programs during the novel coronavirus (COVID-19) public health emergency. (2) This memorandum applies to State agencies administering and local organizations operating the Child Nutrition Programs. (3) This document relates to Program operations under 7 CFR 210, 220, 225, and 226 and waivers pursuant to the Families First Coronavirus Response Act of 2020 (P.L. 116-127). |
| <b>Disclaimer:</b>            | <b>The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.</b>  |

<sup>1</sup> Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this waiver as *not major*, as defined by 5 U.S.C. § 804(2).

This memorandum includes questions and answers intended to provide clarification to State agencies and Program operators on the operation of the Child Nutrition Programs during the novel coronavirus (COVID-19) public health emergency.

Pursuant to the Families First Coronavirus Response Act of 2020 (P.L. 116-127), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) has issued several Nationwide Waivers and has exercised existing statutory and regulatory authorities to support access to nutritious meals while minimizing potential exposure to the novel coronavirus. Additional information on the FNS Response to COVID—19 is available at <https://www.fns.usda.gov/disaster/pandemic/covid-19>.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during a challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

**Original Signed**

Angela M. Kline  
Director  
Policy and Program Development Division

## Questions and Answers

### **Child and Adult Care Food Program (CACFP)**

**1. If a Child and Adult Care Food Program (CACFP) site closes as a result of the coronavirus pandemic, can it become a Summer Food Service Program (SFSP) site and offer meals? What if schools in the area have or have not closed?**

A CACFP site that is closed during the pandemic may become an SFSP site under an SFSP sponsor that has been approved by the State agency. If the sponsor intends to operate the site as an open site and serve the community at large, the site must be located in an eligible area, unless the State agency has approval to waive the area eligibility requirement and has approved the site to operate under the waiver. SFSP sites may only operate during the regular school year in cases of unanticipated school closures, or during breaks for schools operating on a continuous calendar. If schools in an area are open, meals would be served under the National School Lunch and School Breakfast Programs and SFSP would not be an option.

**2. If a child care center or day care home continues to provide CACFP meals and snacks during the COVID-19 pandemic, can the facility also be approved to operate as an SFSP site?**

Yes. CACFP institutions that have developed a separate food service program for children who are not enrolled in their day care homes or centers may be approved to participate as an SFSP site under an SFSP sponsor that has been approved by the State agency. The CACFP institution must meet SFSP eligibility criteria, ensure that the same children are not served meals in both programs, and keep separate records for each program. To operate as an open SFSP site, the facility must be located in an “area in which poor economic conditions exist,” as defined at 7 CFR 225.2 of SFSP regulations, unless the State agency is approved to grant waivers of the restrictions on site eligibility. SFSP sites may only operate during the regular school year in cases of unanticipated school closures, or during breaks for schools operating on a continuous calendar. If schools in an area are open, meals would be served under the National School Lunch and School Breakfast Programs and SFSP would not be an option.

**3. Can CACFP sites that remain open implement the non-congregate and meal time nationwide waivers?**

The nationwide waivers to allow meal service time flexibilities and non-congregate feeding in the Child Nutrition Programs during the coronavirus pandemic do not require that a CACFP site be closed. Under these waivers, day care homes and centers that are still open can provide meal service on site to participants in attendance. They can also arrange meal service pick-ups and/or provide meal delivery for participants temporarily not in attendance. If the CACFP operator determines there is a need and it is logistically

feasible to implement these options, it can do so for all or part of its participants. Please note that as indicated in SP 14-2020, *Child Nutrition Program Meal Service during Novel Coronavirus Outbreaks: Questions and Answers #3* (<https://www.fns.usda.gov/cn/covid-19/meal-service-during-novel-coronavirus-outbreaks-qas>), CACFP operators may provide meal delivery only to enrolled children and adult participants, due to confidentiality and logistical requirements.

**4. Can Head Start programs deliver meals to children enrolled in the home-based program option?**

Head Start programs may only distribute meals to children who were already receiving meals through CACFP or the National School Lunch Program (NSLP). Under the non-congregate waiver, these meals can be provided through a State approved meal distribution method. Head Start children who do not normally receive meals under CACFP or NSLP, such as children in the Head Start/Early Head Start home-based program option, can utilize open SFSP or NSLP Seamless Summer Option (SSO) sites in their community to get meals. The USDA Meals for Kids Site Finder at <https://www.fns.usda.gov/meals4kids> can help Head Start families locate open meal sites.

**5. Can CACFP State agencies and sponsoring organizations add new centers and facilities during the COVID-19 emergency?**

Yes, State agencies and sponsoring organizations can add new centers and day care homes that are providing care during the coronavirus pandemic. However, State agencies and sponsoring organizations must complete all aspects of the application and approval process. It is up to each State agency or sponsor to determine if they have the capacity to add centers and facilities based on their systems and other resources, such as the availability of inspections and licensing.

**6. Are State agencies and sponsoring organizations required to conduct pre-approval reviews for new CACFP centers and day care homes during the coronavirus pandemic?**

Yes, to ensure program integrity during the emergency response, State agencies and sponsoring organizations are still required to conduct pre-approval reviews for new institutions and facilities. However, through authority established by the Families First Coronavirus Response Act (P.L. 116-127), FNS granted nationwide waivers of *onsite* monitoring requirements for State agencies and *onsite* monitoring of new facilities for sponsoring organizations. State agencies and sponsoring organizations that elect to use these waivers may conduct pre-approval reviews off-site through a desk audit.

## **Civil Rights – All Child Nutrition Programs**

### **7. Is the Nondiscrimination Statement required on informational materials and websites?**

States are not relieved of their obligation to include the required Nondiscrimination Statement (NDS) on all printed and electronic program materials made available to applicants, participants, and potentially eligible persons for public information, public education, or public distribution. This includes, but is not limited to, information pertaining to eligibility, benefits, services, the location of local facilities or service delivery points, and hours of service.

If the size of the material is too small to include the full statement, the material must, at a minimum, include the following statement in print in the same font size as the main text: “This institution is an equal opportunity provider.” On websites, the Nondiscrimination Statement (NDS) or a link to it, must be included on the home page of the program information.

Recognizing that print media (television, radio, and Internet announcements) are generally short in duration, the full NDS must be provided to the media outlet but does not need to be read or printed in its entirety. The single line, short NDS is sufficient to meet the requirement. Additionally, for programs that include a funding statement at the conclusion of the announcement, it is allowable for the short NDS to follow the funding statement. For example, “Pennsylvania WIC is funded by the USDA. This institution is an equal opportunity provider.”

### **8. Will racial and ethnic data be collected if it is not provided by applicants during telephone interviews and online systems?**

For current households, states may use existing school meal enrollment applications. For new applications, states are encouraged to utilize information from other State Education agencies, or from other household public assistance benefits received such as the Supplemental Nutrition Assistance Program.

### **9. Will meal pattern waivers affect a program operator’s responsibility to make meal modifications for participants with disabilities?**

During this public health emergency, States and program operators are not relieved of their obligation to provide meal modifications for participants with disabilities. When planning a non-congregate meal service, State agencies and program operators should consider how individuals who require meal modifications will be identified and served.